

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 6/9/2016

Action Requested By:
Planning

Agenda Item Type
Ordinance

Subject Matter:

Annexation of land.

Exact Wording for the Agenda:

Introduction of an ordinance concerning the annexation of 29.17 acres of land lying south of Hobbs Island Road and north of Bill Matthews Road.

Note: If amendment, please state title and number of the original

Item to be considered for: Introduction Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 6/1/2016

ORDINANCE NO. 16-

WHEREAS, Wisda Holdings, LLC, by John S. Wisda, its Manager, has petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

WHEREAS, said petition contained the signature of the owner of the property as the same is assessed for ad valorem tax purposes; and

WHEREAS, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

WHEREAS, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

WHEREAS, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of Section 4, Township 6 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of said Section 4; thence along the west boundary of said Section 4 Due North 2,303.34 feet; thence leaving said boundary North 88 degrees 14 minutes 07 seconds East 894.91 feet to the point of true beginning; thence from the point of true beginning and the following bearings and distances: North 02 degrees 20 minutes 58 seconds East 75.14 feet, North 05 degrees 25 minutes 31 seconds East 102.55 feet, North 10 degrees 35 minutes 29 seconds East 61.06 feet, North 15 degrees 29 minutes 44 seconds East 88.80 feet, North 20 degrees 32 minutes 32 seconds East 65.71 feet, North 23 degrees 41 minutes 36 seconds East 314.50 feet, North 23 degrees 30 minutes 22 seconds East 102.28 feet, North 19 degrees 34 minutes 58 seconds East 57.39 feet, North 14 degrees 25 minutes 51 seconds East 37.94 feet, North 10 degrees 51 minutes 13 seconds East 35.47 feet, North 07 degrees 09 minutes 22 seconds East 36.70 feet, North 02 degrees 10 minutes 21 seconds East 56.25 feet, North 04 degrees 27 minutes 51 seconds West 82.65 feet, North 13 degrees 09 minutes 58 seconds West 88.61 feet, North 22 degrees 41 minutes 47

ORDINANCE NO. 16-_____

seconds West 102.42 feet, and North 32 degrees 03 minutes 30 seconds West 120.22 feet; thence North 45 degrees 07 minutes 36 seconds East 402.04 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 49 degrees 38 minutes 17 seconds East 70.28 feet; thence North 46 degrees 12 minutes 39 seconds East 317.10 feet; thence leaving said existing corporate limits South 42 degrees 36 minutes 13 seconds East 101.64 feet; thence South 26 degrees 46 minutes 01 seconds East 416.75 feet; thence South 14 degrees 05 minutes 24 seconds East 184.45 feet; thence South 07 degrees 35 minutes 00 seconds East 179.37 feet; thence North 82 degrees 59 minutes 58 seconds West 8.90 feet; thence South 02 degrees 24 minutes 56 seconds West 198.47 feet; thence South 11 degrees 11 minutes 41 seconds West 182.64 feet; thence South 23 degrees 22 minutes 07 seconds West 497.55 feet; thence South 16 degrees 12 minutes 21 seconds West 314.45 feet; thence North 88 degrees 20 minutes 11 seconds West 368.33 feet; thence North 01 degrees 39 minutes 49 seconds East 111.16 feet; thence North 88 degrees 20 minutes 11 seconds West 340.00 feet to the point of beginning and containing 29.17 acres, more or less.

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

ADOPTED this the ____ day of _____, 2016.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the ____ day of _____, 2016.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, Wisda Holdings, LLC, by John S. Wisda, its Manager, hereby petitions the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully requests that the property or territory hereinafter described be annexed to the City of Huntsville. I further certify that I have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and I do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. I further certify that the property is assessed for ad valorem tax purposes in the name of Wisda Holdings, LLC.

All that part of Section 4, Township 6 South, Range 1 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of said Section 4; thence along the west boundary of said Section 4 Due North 2,303.34 feet; thence leaving said boundary North 88 degrees 14 minutes 07 seconds East 894.91 feet to the point of true beginning; thence from the point of true beginning and the following bearings and distances: North 02 degrees 20 minutes 58 seconds East 75.14 feet, North 05 degrees 25 minutes 31 seconds East 102.55 feet, North 10 degrees 35 minutes 29 seconds East 61.06 feet, North 15 degrees 29 minutes 44 seconds East 88.80 feet, North 20 degrees 32 minutes 32 seconds East 65.71 feet, North 23 degrees 41 minutes 36 seconds East 314.50 feet, North 23 degrees 30 minutes 22 seconds East 102.28 feet, North 19 degrees 34 minutes 58 seconds East 57.39 feet, North 14 degrees 25 minutes 51 seconds East 37.94 feet, North 10 degrees 51 minutes 13 seconds East 35.47 feet, North 07 degrees 09 minutes 22 seconds East 36.70 feet, North 02 degrees 10 minutes 21

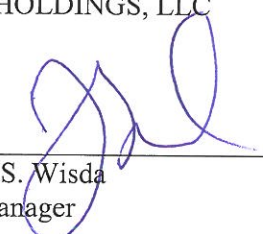
seconds East 56.25 feet, North 04 degrees 27 minutes 51 seconds West 82.65 feet, North 13 degrees 09 minutes 58 seconds West 88.61 feet, North 22 degrees 41 minutes 47 seconds West 102.42 feet, and North 32 degrees 03 minutes 30 seconds West 120.22 feet; thence North 45 degrees 07 minutes 36 seconds East 402.04 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 49 degrees 38 minutes 17 seconds East 70.28 feet; thence North 46 degrees 12 minutes 39 seconds East 317.10 feet; thence leaving said existing corporate limits South 42 degrees 36 minutes 13 seconds East 101.64 feet; thence South 26 degrees 46 minutes 01 seconds East 416.75 feet; thence South 14 degrees 05 minutes 24 seconds East 184.45 feet; thence South 07 degrees 35 minutes 00 seconds East 179.37 feet; thence North 82 degrees 59 minutes 58 seconds West 8.90 feet; thence South 02 degrees 24 minutes 56 seconds West 198.47 feet; thence South 11 degrees 11 minutes 41 seconds West 182.64 feet; thence South 23 degrees 22 minutes 07 seconds West 497.55 feet; thence South 16 degrees 12 minutes 21 seconds West 314.45 feet; thence North 88 degrees 20 minutes 11 seconds West 368.33 feet; thence North 01 degrees 39 minutes 49 seconds East 111.16 feet; thence North 88 degrees 20 minutes 11 seconds West 340.00 feet to the point of beginning and containing 29.17 acres, more or less.

Attached hereto marked Exhibit A is a map of said territory showing its relationship to the corporate limits of the City of Huntsville, which said map is further identified as being entitled "Matthews Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and seal the date herein indicated.

PREPARED BY
CITY OF HUNTSVILLE
PLANNING DIVISION

WISDA HOLDINGS, LLC


By: John S. Wisda
As its: Manager

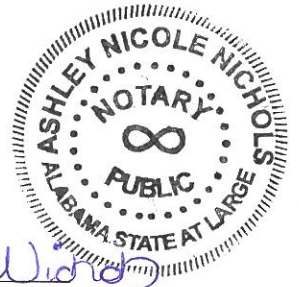
(SEAL)

STATE OF ALABAMA

COUNTY OF MADISON

I, Ashley Nicole Nichols, a Notary Public in and for said County in said State, hereby certify that John S. Wisda whose name as Manager of the Wisda Holdings, LLC, a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation

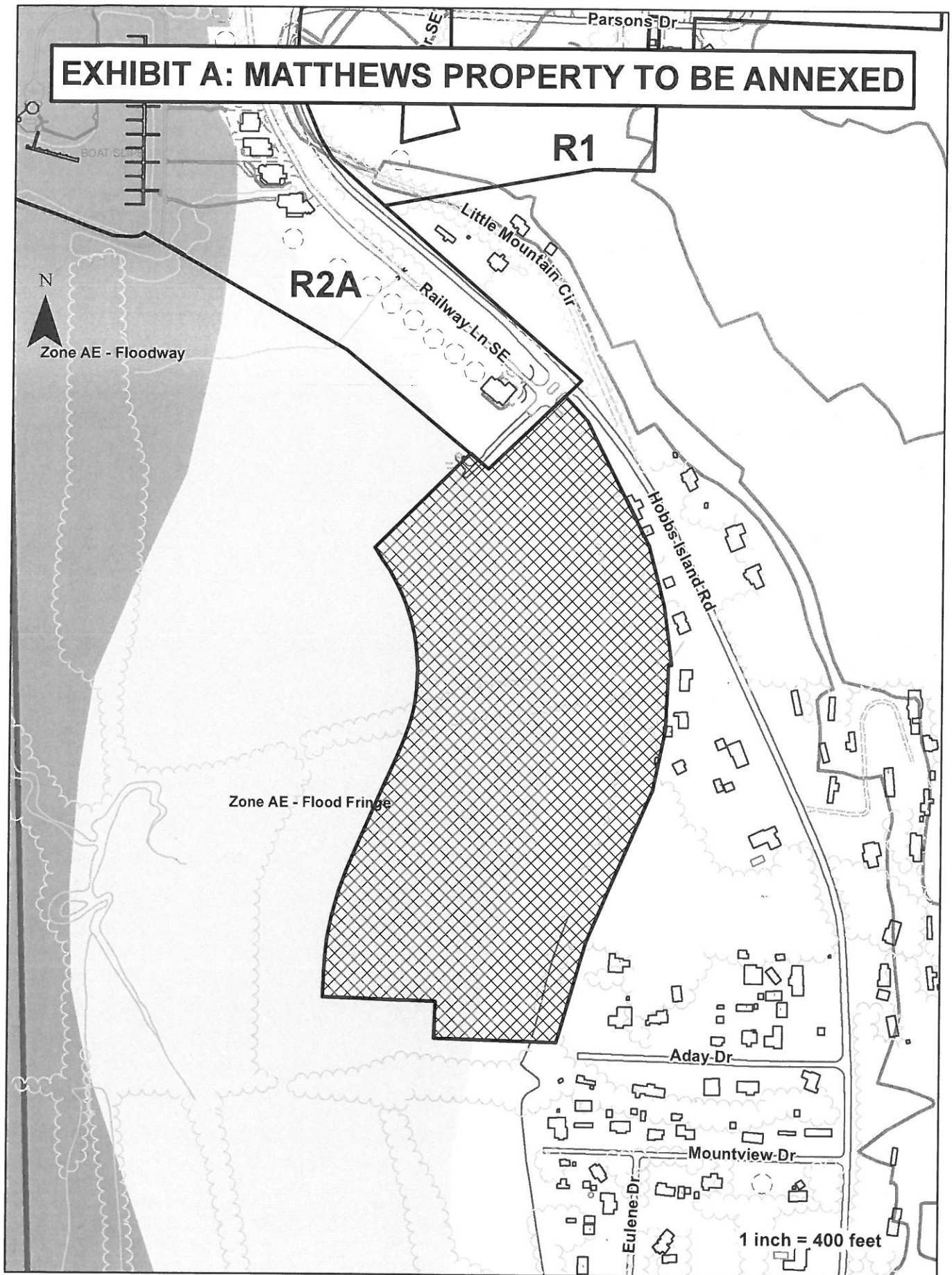
Given under my hand and official seal of office, this the 27TH day of MAY, 2016.



Ashley Nicole Nichols
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-13-2016

EXHIBIT A: MATTHEWS PROPERTY TO BE ANNEXED



ANNEXATION SUMMARY: MATTHEWS

May 27, 2016

PETITIONER: Wisda Holdings, LLC

LOCATION: South of Hobbs Island Road and north of Bill Matthews Road
Township 6 South, Range 1 East, Section 4

ACERAGE: 29.17 acres

REASON FOR
REQUEST: City Services for future residential development

ANNEXATION GUIDELINES: MATTHEWS

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

IS NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

RESIDENTIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNER; COPY ATTACHED

**STATEMENT REGARDING
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations.

Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

* * * *

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner  Date April 29, 2016

Petitioner _____ Date _____